

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOMINO'S PIZZA FRANCHISING, LLC,

Plaintiff,

Case No. 12-CV-14629

vs.

HON. MARK A. GOLDSMITH

ELIA R. PADILLA, et al.,

Defendants.

/

ORDER OF DISMISSAL
OF THE CLAIMS AGAINST ELIA R. PADILLA WITHOUT PREJUDICE

This matter is presently before the Court on the Court's own review of the docket. After Plaintiff filed the complaint, the Court issued summonses to Defendant Elia R. Padilla (Dkt. 3) and Defendant Padilla Pizza, Inc. (Dkt. 4). Plaintiff served Defendant Padilla Pizza, Inc. (Dkt. 14), but Padilla Pizza, Inc. did not defend against Plaintiff's action and the Court entered a default judgment against Padilla Pizza, Inc. (Dkt. 24). However, Plaintiff has apparently not served the summons and complaint upon Defendant Elia R. Padilla, despite an extension for the time of service under Rule 4(m). See 3/25/2013 Text-Only Order. The Court warned Plaintiff that if it failed to serve Defendant Elia R. Padilla by May 1, 2013 and file proof of service by May 3, 2013, the Court would dismiss the claims against Defendant Elia R. Padilla without prejudice. *Id.* Plaintiff has failed to file proof of service by May 3, 2013.

Accordingly, the Court dismisses the claims against Defendant Elia R. Padilla without prejudice.

SO ORDERED.

Dated: May 7, 2013
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 7, 2013.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager